

**CLOSED**

Charles R. Virginia (CV 8214)  
BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC  
111 Broadway, 14<sup>th</sup> Floor  
New York, New York 10006  
(212) 943-9080  
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PAT ANGELO, JOSEPH DEVITA, ROBERT GARIEPY, JOSEPH PUZIO III,  
JOHN F. CAPO, STEPHEN DOHERTY, WILLIAM DERENZIS, JEFFREY  
DUFFY, as Trustees of the B.A.C. LOCAL 4 PENSION AND ANNUITY FUNDS,  
MICHAEL PETERSON, RUDOLPH RICCIARDI, ROBERT EPIFANO, JOSEPH  
SPERANZA, JR., MICHAEL SCHMERBECK, JACK KOCSIS, KENNETH  
SIMONE, JOHN F. CAPO, STEVE DOHERTY, DONALD ENGELHARDT,  
DIETER RUACH, RICHARD TOLSON, as Trustees of the NEW JERSEY B.A.C.  
HEALTH FUND, ROBERT GARIEPY, JAMES R. PRISCO, JR., RUDOLPH  
RICCIARDI, JOSEPH SPERANZA, JR., JOHN F. CAPO, JEFFREY DUFFY,  
DONALD ENGELHARDT AND LEON JONES, JR., as Trustees of the NEW  
JERSEY BM&P APPRENTICE AND EDUCATION FUND, JOHN J. FLYNN,  
JAMES BOLAND, GERALD O'MALLEY, KEN LAMBERT, GERARD  
SCARANO, H.J. BRAMLETT, EUGENE GEORGE, PAUL SONGER, CHARLES  
VELARDO, MATTHEW AQUILINE, GREGORY R. HESS, MICHAEL  
SCHMERBECK, VINCENT DELAZZERO and BENJAMIN CAPP, as Trustees of  
the BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND,  
and JIM ALLEN, MATTHEW AQUILINE, LON BEST, JAMES BOLAND, TED  
CHIAMP, RAYMOND CHAPMAN, VINCENT DELAZZERO, BRUCE DEXTER,  
JOHN FLYNN, EUGENE GEORGE, GREGORY HESS, FRED KINATEDER,  
DAN KWIATKOWSKI, KEN LAMBERT, SANTO LANZAFAME, DICK  
LAUBER, WILLIAM MCCONNELL, EDWARD NAVARRO, GERALD  
O'MALLEY, JOHN PHILLIPS, CHARLES RASO, MARK ROSE, KEVIN RYAN,  
GERARD SCARANO, MICHAEL SCHMERBECK, PAUL SONGER, JOSEPH  
SPERANZA, and FRED VAUTOUR, as Trustees of, and on behalf of, the  
INTERNATIONAL MASONRY INSTITUTE, and JOHN F. CAPO, as Business  
Manager of B.A.C. LOCAL NO. 4 NEW JERSEY,

Plaintiffs,

-against-

D CONSTRUCTION COMPANY, INC.,

Defendant.

07 Civ. 2670 (FSH)

**NOTICE OF  
DISMISSAL**

PLEASE TAKE NOTICE that, pursuant to Fed. Civ. P. Rule 41(a)(1)(i),

the above-captioned action be and hereby is dismissed with prejudice in its entirety.

Dated: New York, New York  
October 9, 2007

BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC

By: /s/ Charles Virginia

Charles R. Virginia

Trinity Centre

111 Broadway, Suite 1403

New York, N.Y. 10006

(212) 943-9080

Attorneys for Plaintiffs

SO ORDERED:

  
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U.S.D.J.